



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov
DW 06-02

Paper No. 5

JULIA CHURCH DIERKER
DIERKER & GLASSMEYER, PLLC
SUITE 121
3290 W. BIG BEAVER ROAD
TROY MI 48084-2906

COPY MAILED

JUN 14 2002

OFFICE OF PETITIONS

In re Application of
Yang et al.
Application No. 10/082,550
Filed: 25 February, 2002
Atty's Dkt No. UMJ-102-C
UM-1544d1)

:
:
:
: DECISION GRANTING PETITION
:
:
:

This is a decision on the petition filed on 24 May, 2002, requesting that the above-identified application, including Figures 4 and 5 described in the specification, be accorded a filing date of 25 February, 2002.

On 25 February, 2002, the application was filed.

On 2 May, 2002, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 25 February, 2002, but that Figures 4 and 5 described in the specification appeared to have been omitted.

In response, on 24 May, 2002, the present petition was submitted. Petitioners assert that one (1) sheet of drawings containing Figures 4 and 5 was filed with the other application papers on 25 February, 2002, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 02/25/02 and the above-identified application number. The postcard receipt also identifies the application by the first named inventor's name, attorney docket number, and invention title, and acknowledge receipt, *inter alia*, of 11 sheets of drawings. Petitioners request that the application, including the one (1) sheet of drawings containing Figure 4 and 5 be accorded a filing date of 25 February, 2002.

A review of the record reveals that 10 sheets of drawings containing Figures 1, 2, 2A, 3, and 6-20 are located among the application papers deposited on 25 February, 2002. However, the

evidence is convincing that the application papers deposited on 25 February, 2002, included 11 sheets of drawings and that the sheet of drawings containing Figures 4 and 5 as described in the specification was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawing containing Figure 4 and 5 as described in the specification, is entitled to a filing date of 25 February, 2002.

Accordingly, the Notice of Omitted Item(s) in a Nonprovisional Application mailed on 2 May, 2002, is hereby withdrawn.

In view of the above, the petition is granted. The petition fee of \$130.00 will be credited to counsel's deposit account, No. 50-2100.

The application will be processed using the application papers, filed on 25 February, 2002, and the one (1) sheet of drawings containing Figures 4 and 5 supplied on 24 May, 2002. The copies of the other sheets of drawings supplied on 24 May, 2002, will not be used for processing or examination, but will be retained in the application filed.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 25 February, 2002, using the application papers filed that date, and the one (1) sheet of drawings containing Figures 4 and 5 supplied on 24 May, 2002, and for an indication on the bib-data sheet that 11 sheets of drawings were present on filing.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy